

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

TOMMY A. GIBBS,

Plaintiff,

v.

ANDREW M. SAUL,¹
Commissioner of Social Security,

Defendant.

Case No. 2:19-CV-00009-SPM

MEMORANDUM OPINION

This case is before the Court on Defendant's Motion to Reverse and Remand the case to Defendant for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 21). Plaintiff has filed a response stating that he has no objection to the motion. (Doc. 22). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 8).

On February 12, 2019, Plaintiff filed a Complaint seeking review of Defendant's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). Defendant filed his answer and the transcript of the administrative proceedings on April 22, 2019. (Docs. 12, 13). Plaintiff filed a brief in support of the complaint on July 11, 2019. (Doc. 18).

¹ On June 4, 2019, Andrew M. Saul became the Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Commissioner Saul is substituted for Nancy A. Berryhill as defendant in this action. No further action needs to be taken to continue this suit by reason of the last sentence of 42 U.S.C. § 405(g).

On September 11, 2019, Defendant filed the instant motion to reverse and remand the case to the Defendant for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant represents in his motion that upon review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff’s claim. Upon review of Plaintiff’s brief in support of his complaint, Defendant’s motion, and Plaintiff’s response, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Defendant’s Motion to Reverse and Remand (Doc. 21) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 16th day of September, 2019.